

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

KIRK D. ROBINSON,

Plaintiff,

vs.

MATTHEW MELLOR, Lancaster County  
District Court Judge, Nebraska;

Defendant.

8:23CV384

**MEMORANDUM AND ORDER**

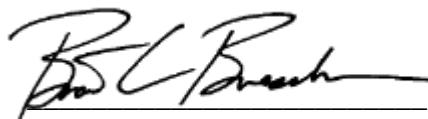
This matter is before the Court on Plaintiff's Motion to Dismiss dated September 4, 2024, which the Court liberally construes as a motion to voluntarily dismiss pursuant to [Federal Rule of Civil Procedure 41](#). [Filing 11](#). [Rule 41\(a\)](#) states that a plaintiff may dismiss an action without a court order by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." [Fed. R. Civ. P. 41\(a\)\(1\)\(A\)\(i\)](#). In addition, [Rule 41\(a\)\(2\)](#) provides that an action may be dismissed at the plaintiff's request "on terms that the court considers proper." [Fed. R. Civ. P. 41\(a\)\(2\)](#). Here, Plaintiff asks the Court to dismiss this action and Defendants have not been served with process. Upon consideration,

IT IS THEREFORE ORDERED that:

1. Plaintiff's request for dismissal of this action, [Filing 11](#), is granted. Accordingly, this matter is dismissed without prejudice.
2. A separate judgment will be entered in accordance with this Memorandum and Order.

Dated this 18th day of September, 2024.

BY THE COURT:



Brian C. Buescher  
United States District Judge